

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
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Steven Geller, et al.)	
)	
Serial No.: 10/639,611)	Group Art Unit: 3625
)	
Filed: August 12, 2003)	Examiner: Adam L. Levine
)	
For: USER INTERFACE AND)	
METHOD FOR FACILITATING A)	
REALTY TRANSACTION)	

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed on April 28, 2008, and pursuant to 37 C.F.R. § 41.37, Appellants present this appeal brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 10, 12-18 and 20-27 in the Final Office Action dated December 10, 007. The appealed claims are set forth in the attached Claims Appendix.

1. Real Party in Interest

As of the date of filing of this Appeal Brief, no assignment has been made.

Therefore, the inventors currently are the real parties in interest.

2. Related Appeals and Interferences

There are no other appeals or interferences which would directly affect, be directly affected by, or have a bearing on the instant appeal.

3. Status of Claims

Claims 10, 12-18 and 20-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Published Patent Application No. 2001/0005829 (hereinafter referred to as Raveis).

4. Status of Amendments

Appellants submitted an Amendment on July 25, 2008, amending claims 10 and 20. These amendments were strictly as to form, correcting an informality and placing the claims in better condition for appeal. The status of these amendments is unclear as Appellants have not yet received an indication that the Examiner has entered these amendments. The attached claims represent the presented in the July 25, 2008 filing.

5. Summary of Claimed Subject Matter

Claim 10 recites a method for using a computer system to facilitate a deal related to a mortgage refinancing on a first real property. (see, for example, page 1, lines 15-17). The method comprises storing in a database (i) realty data identifying a plurality of real properties including address data associated with each real property, and (ii) deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data. (see, for example, page 8, lines 7-9, 17-22,

page 3, lines 6-7). The method also comprises displaying on a computer display a deal information screen including data obtained from the database identifying one or more of the plurality of real properties, the deal information screen containing a first user actuable button, a second user actuable button, and a third user actuable button. (see, for example, page 9, lines 5-13). The method also comprises allowing the user to select one of the real properties displayed in the deal information screen. (see, for example, page 5, lines 18-20, page 8, lines 12-13). The method also comprises in response to the user actuating the first user actuable button by a single user selection, searching the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, retrieving the first deal data, and displaying the first deal data on the computer display. (see, for example, page 15, lines 19-22). The method also comprises in response to the user actuating the second user actuable button by a single user selection, searching the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, retrieving the second deal data, and displaying the second deal data on the computer display. (see, for example, page 14, lines 18-21). The method also comprises in response to the user actuating the third actuable button by a single user selection, searching the database for additional information about the selected real property, retrieving the additional information, and displaying the additional information on the computer display. (see, for example, page 18, lines 5-13; page 19, line 15 - page 20, line 3; page 20, lines 4-12; page 20, line 12 - page 21, line 3; page 21, lines 4-14; and page 22, lines 15-23).

Claim 20 recites a computer system for facilitating a deal related to a mortgage refinancing on a first real property. (see, for example, page 1, lines 15-17). The system comprising a database storing (i) realty data identifying a plurality of real properties including address data associated with each real property, and (ii) deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data. (see, for example, page 8, lines 7-9, 17-22, page 3, lines 6-7). The system also comprises a display for displaying a deal information screen including data obtained from the database identifying one or more of the plurality of real properties, the deal information screen containing a first user actuatable button, a second user actuatable button, and a third user actuatable button. (see, for example, page 9, lines 5-13). The system also comprises an input device for use by the user in selecting one of the real properties displayed in the deal information screen. (see, for example, page 8, lines 3-7). The system also comprises a programmed processor (e.g. 130 of Fig. 1) for causing in response to the user actuating the first user actuatable button by a single user selection, a search to be performed in the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, and the first deal data to be retrieved and displayed on the display. (see, for example, page 15, lines 19-22). The system also comprises the programmed processor (e.g. 130 of Fig. 1) for causing in response to the user actuating the second user actuatable button by a single user selection, a search to be performed in the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, and the second deal data to be retrieved and displayed on the display. (see, for example, page 14,

lines 18-21). The system also comprises the programmed processor (e.g. 130 of Fig. 1) for causing in response to the user actuating the third user actuatable button by a single user selection, a search to be performed in the database for additional information related to the selected first real property, and the additional information to be retrieved and displayed on the display. (see, for example, page 18, lines 5-13; page 19, line 15 - page 20, line 3; page 20, lines 4-12; page 20, line 12 - page 21, line 3; page 21, lines 4-14; and page 22, lines 15-23).

6. Grounds of Rejection to be Reviewed on Appeal

I. The Examiner improperly rejects claims 10 and 20 under 35 U.S.C. §102(b) because Published Application No. 2001/0005829 (Raveis) fails to identically disclose all of the claimed limitations, including the limitations the Examiner improperly overlooks as being wrongly characterized as non-functional descriptive material.

7. Argument

I. The Examiner improperly rejects claims 10 and 20 under 35 U.S.C. §102(b) because Publication No. 2001/0005829 (Raveis) fails to identically disclose all of the claimed limitations, including the limitations the Examiner improperly overlooks as being wrongly characterized as non-functional descriptive material.

Claims 10 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Raveis, to which Appellants respectfully disagree. In support of this rejection, the Examiner overlooks claimed limitations, improperly characterizing these limitations as being “non-functional descriptive material,” which Appellants submit is improper.

Raveis is a published patent application relating to managing customer relationships over a distributed computer network. Raveis relates to real estate transactions by providing a backend database having data that includes data describing real estate related services ordered during a real estate transaction. By way of example, Fig. 5 lists various related services associated with a real estate transaction, such as finding a cable company, updating a newspaper subscription, etc.

As noted above in § 5, Claims 10 and 20 recite a method and computer system relating to facilitating a deal related to mortgage refinancing. For example, the method includes claimed method steps performed in response to “user actuating” user actuatable buttons. Claims 10 and 20 explicitly recite: “a first actuatable button;” “a second actuatable button;” and “a third actuatable button.” Moreover, claims 10 and 20 recite searching operations performed in response to the user selection, the claimed searching for specifically claimed data. By way of example, the first actuatable button selection provides for “searching the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property.”

The claimed button selection also generates the claimed steps of “retrieving” the deal data and “displaying” the deal data.

In finally rejecting the claims, the Examiner cites explicit reliance on MPEP §2106 and In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983). Appellants submit this reliance is improper because the Examiner’s premise supporting said non-reliance is fatally flawed. The Examiner states on page 7 of the final Office Action : “the exact information provided, not having functional role in the method, is

non-functional descriptive material,” and as such the Examiner refuses to consider the recited limitations of the searching steps.

Gulack related to a mathematical device, a ring that can be used to form an “endless band of numbers.” The distinction in Gulack relates to the physical printed numbers written on the band, in comparison for the obviousness-type rejection. The question was whether the numbers themselves were functional.

By contrast, Appellants are not claiming functionality of the data but rather explicitly recite steps in claim 10 and processing operations in claim 20 relating to the claimed first deal data, second deal data and additional information. The claims recite the searching operations, retrieving operations and displaying operations. By contrast, Gulack only claims the imprinting of the numbers on the band such that a user can then manually perform mathematical computations.

Therefore, the exact language of claims 10 and 20 prohibit the Examiner from overlooking or ignoring the recited limitations. The language the Examiner overlooks recites further limitations of the claimed searching step, further limiting the first deal data and the second deal data, as well as the additional information. The language the Examiner overlooks further limits that the first deal data comprises data for “one or more previously closed deals for mortgage refinancing at the same address as the selected real property.” The language the Examiner overlooks further limits the second deal data comprising data for “one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property.”

The recited limitations define the claim scope, providing legal claim scope, consistent with 35 U.S.C. §112, ¶1 and ¶2. The Examiner appears to assert that upon

recitation of the term data, all subsequent claim language is superfluous and can be ignored. Appellants strongly disagree. Clearly the step of “searching a database for data” is a proper claim step and an Examiner is not entitled to ignore the “data” limitation. Similarly, the further recitation of limitations of the claimed “data” cannot be ignored because under 35 U.S.C. §112, ¶1 and ¶2, they more accurately define the claimed invention. Therefore, it is improper for the Examiner to ignore this claim language as it that satisfies 35 U.S.C. §112, ¶¶ 1 and 2 in context of the existing recited method steps and system processing operations. Moreover, this language is not non-functional descriptive material because it further limits the claimed searching steps, and more clearly defines the specific aspects of the data as these searching operations (as well as the claimed retrieving and displaying steps).

Raveis does not disclose any particularly special user interface for accessing specific types of the data, and certainly does not disclose or suggest providing three user actuatable buttons, each actuated by a single user selection, which result in the search for and retrieval of deal information specifically related to a selected real property, including prior mortgage refinancings on the same property and mortgage refinancings on other properties on the same block as the selected real property. Thus, whether or not Raveis actually discloses a system which allows a user to search for and retrieve this specific type of mortgage refinancing information, which is unclear, it certainly does not do so through the specially designed user interface including the claimed steps and processing operations as discussed and claimed herein.

The Examiner cannot properly support the rejection of claims 10 and 20 without ignoring the limitations improperly asserted as being “non-functional descriptive

material.” As described above, the overlooking of these limitations is improper.

Therefore, the rejection of claims 10 and 20 is improper because, at the very least, Raveis does not identically disclose “in response to the user actuating the first user actuatable button by a single user selection, searching the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, retrieving the first deal data, and displaying the first deal data on the computer display; in response to the user actuating the second user actuatable button by a single user selection, searching the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, retrieving the second deal data, and displaying the second deal data on the computer display; and in response to the user actuating the third actuatable button by a single user selection, searching the database for additional information about the selected real property, retrieving the additional information, and displaying the additional information on the computer display” as recited in claim 10 and the corresponding limitation recited in claim 20.

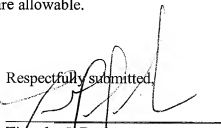
8. Conclusions

For the reasons set forth above, Appellants respectfully request that the Board reverse the final rejections of the claims by the Examiner under 35 U.S.C §102(b) and indicate that claims 10, 12-18 and 20-27 are allowable.

Dated: July 28, 2008

THIS CORRESPONDENCE IS BEING SUBMITTED
ELECTRONICALLY THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING SYSTEM ON
July 28, 2008.

Respectfully submitted,



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Claims Appendix

1-9 (cancelled).

10. A method for using a computer system to facilitate a deal related to a mortgage refinancing on a first real property, the method comprising:

storing in a database (i) realty data identifying a plurality of real properties including address data associated with each real property, and (ii) deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data;

displaying on a computer display a deal information screen including data obtained from the database identifying one or more of the plurality of real properties, the deal information screen containing a first user actuatable button, a second user actuatable button, and a third user actuatable button;

allowing the user to select one of the real properties displayed in the deal information screen;

in response to the user actuating the first user actuatable button by a single user selection, searching the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, retrieving the first deal data, and displaying the first deal data on the computer display;

in response to the user actuating the second user actuatable button by a single user selection, searching the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, retrieving the second deal data, and displaying the second deal data on the computer display; and

in response to the user actuating the third actuatable button by a single user selection, searching the database for additional information about the selected real property, retrieving the additional information, and displaying the additional information on the computer display.

11. (Cancelled)

12. The method of claim 10, wherein the additional information comprises mortgage data derived from a publicly available source and nonpublic, proprietary deal information.

13. The method of claim 10, wherein the additional information comprises quote data representing one or more quotes for mortgage refinancing related to the selected real property.

14. The method of claim 10, wherein the additional information comprises notes data representing notes previously entered by the user regarding an offer to refinance the mortgage on the selected real property.

15. The method of claim 10, wherein the additional information comprises history data representing one or more events in the history of a deal associated with the selected real property.

16. The method of claim 10, wherein the additional information comprises data representing tasks to be done related to a deal associated with the selected real property.

17. The method of claim 10, wherein, in response to the user actuating the first user actuatable button by a single user selection, searching the database for first deal data comprising one or more deals previously closed by the user at the same address as the

selected real property, retrieving the first deal data and displaying the first deal data on the computer display.

18. The method of claim 10, wherein, in response to the user actuating the second user actuable button by a single user selection, searching the database for second deal data comprising one or more deals previously closed by the user at an address located on the same street as the address of the selected real property, retrieving the second deal data and displaying the second deal data on the computer display.

19. (Cancelled)

20. A computer system for facilitating a deal related to a mortgage refinancing on a first real property, the system comprising:

a database storing (i) realty data identifying a plurality of real properties including address data associated with each real property, and (ii) deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data;

a display for displaying a deal information screen including data obtained from the database identifying one or more of the plurality of real properties, the deal information screen containing a first user actuable button, a second user actuable button, and a third user actuable button;

an input device for use by the user in selecting one of the real properties displayed in the deal information screen;

a programmed processor for causing:

in response to the user actuating the first user actuable button by a single user selection, a search to be performed in the database for first deal data

comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, and the first deal data to be retrieved and displayed on the display;

in response to the user actuating the second user actuatable button by a single user selection, a search to be performed in the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, and the second deal data to be retrieved and displayed on the display; and

in response to the user actuating the third user actuatable button by a single user selection, a search to be performed in the database for additional information related to the selected first real property, and the additional information to be retrieved and displayed on the display.

21. The method of claim 20, wherein the additional information comprises mortgage data derived from a publicly available source and nonpublic, proprietary deal information.

22. The method of claim 20, wherein the additional information comprises quote data representing one or more quotes for mortgage refinancing related to the selected real property.

23. The method of claim 20, wherein the additional information comprises notes data representing notes previously entered by the user regarding an offer to refinance the mortgage on the selected real property.

24. The method of claim 20, wherein the additional information comprises history data representing one or more events in the history of a deal associated with the selected real property.

25. The method of claim 20, wherein the additional information comprises data representing tasks to be done related to a deal associated with the selected real property.

26. The method of claim 20, wherein the search for first deal data is performed in the database for one or more deals previously closed by the user at the same address as the selected real property.

27. The method of claim 10, wherein, the search for second deal data is performed in the database for one or more deals previously closed by the user at an address located on the same street as the address of the selected real property.

Evidence Appendix

No evidence has been submitted or relied upon in the instant appeal.

Related Proceedings Appendix

There are no related proceedings which are related to or would have a bearing on the instant appeal.